



## City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Land Use**  
Diane M. Sugimura, Director

### **CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003610

**Applicant Name:** Michele Wang of Runberg Architecture Group for  
City Investors XV LLC

**Address of Proposal:** 714 Denny Way

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application for a 6-story building containing 3,936 sq. ft. of retail at ground level and 53 residential units above. Parking for 38 vehicles to be provided at and below grade. Project includes 4,570 cu. yds. of grading. Existing structure to be removed.

The following approvals are required:

#### **Design Review** pursuant to Seattle Municipal Code (SMC) 23.41

Departures from the Land Use Code are requested as follows:

1. SMC 23.48.012 (Setback Requirements)
2. SMC 23.48.014.B (Minimum Façade Height)
3. SMC 23.48.020.A (Amenity Area Dimensions)
4. SMC 23.48.024.A.2 (Landscaping for Setback Areas)
5. SMC 23.54.030.B.1.b (Minimum distribution of medium-sized parking spaces)
6. SMC 23.48.020.B.5 (Solar access for exterior amenity area)

#### **SEPA – Environmental Determination** pursuant to SMC 25.05

**SEPA Determination:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

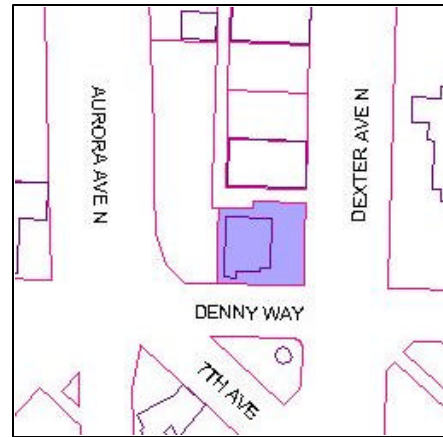
☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The site is located at 714 Denny Way, occupying the northwest corner of the intersection of Denny Way and Dexter Avenue N. The project site is bounded by Dexter Avenue N to the east, Denny Way to the south, a mid-block alley to the north, and a surface parking lot and Aurora Avenue/State Highway 99 to the west. The mid-block alley along the property's northern border connects to Dexter Avenue N and turns north at the northwest corner of the property. The property is approximately 11,528 sq. ft. and slopes slightly 6 feet down from the southwest corner to the northeast corner, but with no remarkable topographic features.



The current development on the property consists of a one-story wood frame building with basement and 22 surface parking spaces.

The project site is zoned Seattle Mixed with an 85-foot height limit (SM-85). Properties to the north, west, and immediate east are also zoned SM-85. East of Denny Park (which is immediately to the east), the designated zone is also Seattle Mixed, but with a 125-foot height limit (SM-125). Property to the south was recently rezoned Downtown Mixed Commercial with a 240-foot non-residential height limit and a 290 to 400-foot residential height limit (DMC-240/290-400).

The general vicinity consists largely of low industrial and commercial buildings, mostly of some age. There is an abundance of surface parking lots, several on sites once occupied by these types of older commercial structures. Many of these commercial buildings are of one and two stories, although some within the vicinity extend up to five stories in height. There is a smattering of older wood homes still in the area, dating from the first quarter of the last century. The vicinity is also characterized by a “second generation” of commercial buildings, built with concrete steel and glass and generally exhibiting a late twentieth century utilitarian character. A third generation of buildings, containing office, retail, residential and research and development uses have been constructed in the vicinity quite recently and, like this proposal, are indicative of the redevelopment of the South Lake Union area. Land uses south of Denny Way (the Denny Triangle neighborhood) include a car wash, surface parking lots, car rental companies and hotels. Denny Park is located directly east of the project site across Dexter Avenue N.

### **Proposal Description**

The project consists of construction of a 6-story building with one level of below-grade parking. The proposal anticipates construction of 50,984 square feet of above grade space for residential, retail, and parking uses. Residential use will consist of approximately 50 units designated for workforce housing and 3 units at market rate. The designated workforce housing units are set aside for persons earning not more than 80% AMI (Area Median Income), which in 2006 in metropolitan Seattle was \$41,700 or less for a one-person household and \$59,600 or less for a four-person household. The project is also intended to address the gap between “low-income”

housing (for persons making below 60% AMI) and market rate housing (above 120% AMI). Retail area of approximately 3,667 sq. ft. will be located at street level. Landscaped open space including a rooftop terrace, will be provided for building residents. The existing 16-foot wide mid-block alley directly north of the project site will be widened to 18 feet. Ingress and egress to the parking areas will be the mid-block alley on the north side of the building. Project design and landscaping will include the addition of street trees along both Denny Way and Dexter Avenue N. Construction of the project will require demolition of the existing one-story building and removal of the existing surface parking.

### **Public Review and Comment Periods**

Two Design Review meetings were held on this proposal and included opportunities for the public to comment; an Early Design Guidance meeting was held on February 16, 2006 and the Recommendation meeting was held on May 3, 2006. Three members of the public attended the Early Design Guidance meeting. Public comments included the following: Interest in improved pedestrian amenities especially along Dexter, pedestrian-scaled lighting (especially along Dexter), and the possibility of a curb bulb at the intersection. No members of the public were in attendance at the Recommendation meeting. Refer to the Master Use Permit (MUP) file for details on these meetings.

Public notice of the Master Use Permit (MUP) project application was given on April 20, 2006. The public comment period ended on May 3, 2006. DPD received no written comments on this proposal

### **ANALYSIS – DESIGN REVIEW**

#### **ARCHITECT’S PRESENTATION—*Early Design Guidance Meeting – February 16, 2006***

At the Early Design Guidance meeting, the owner’s representative Brandon Morgan (Vulcan Inc.) introduced the development team and gave a brief overview of the neighborhood and recent and planned residential development in the vicinity such as LIHI’s Denny Park Apartments, Vulcan’s 2200 Westlake Avenue, 2201 Westlake Avenue, and 9th & Harrison, and BRE’s planned project at 6<sup>th</sup> Ave. and Denny. The proposed project is intended to provide workforce housing for persons earning not more than 80% AMI (Area Median Income), which in 2006 in metropolitan Seattle was \$41,700 or less for a one-person household and \$59,600 or less for a four-person household. It is also intended to address the gap between “low-income” housing (for persons making below 60% AMI) and market rate housing (above 120% AMI). The project fulfills a commitment made by Vulcan to the City of Seattle to provide 50 units of workforce housing in the South Lake Union neighborhood.

Following this introduction, Brian Runberg presented the overview of the project, site design analysis and development objectives to the Board and public. With the aid of a photomontage the architect presented the vicinity’s architectural context, the site’s challenges and opportunities and character studies conducted. Michele Wang then presented the project’s site plan, plans and massing studies. A “preferred scheme” was presented that proposed street-level commercial space, 53 dwelling units on five floors of residential use, and parking inside the structure for 38 cars, leaving a balance of 15 vehicles to be accommodated by surface parking just to the west via parking covenant. Three massing diagrams were presented, and Jason King of Macdonald

Environmental Planning presented the landscaping concepts for the project, including right-of-way plantings, plantings at a raised deck, and landscaping screening (“green screen”) for the south and west facades.

#### ARCHITECT’S PRESENTATION—Recommendation Meeting – May 3, 2006

At the Final Recommendation Meeting, following team introductions, the owner’s representative Brandon Morgan recapitulated the project goals in the context of other development in the neighborhood. Michele Wang then presented the final design that elaborated on the preferred massing scheme approved at the Early Design Guidance Meeting via colored drawings (site plan, elevations, plans), renderings of the overall 3-d view collaged into context photographs, and pedestrian-level streetscape renderings. Samples of the materials proposed on the building exterior were also presented. Jason King then presented the landscape design, with emphasis on the enhanced landscaping at the street level and details of the façade green screen.

#### **DESIGN GUIDANCE PRIORITIES:**

The applicant described the design guideline priorities which had informed their response to site and context in the proposed development. After deliberation, The Design Review Board emphasized the following design guidelines as priorities to be considered in further evolvment of the proposed design. Each design guideline priority is identified by letter and number in accordance with City of Seattle’s Design Review: Guidelines for Multifamily & Commercial Buildings (November 1998). This is augmented by neighborhood-specific guidelines published in South Lake Union: Design Guidelines (May 26, 2005).

Comments from the Board’s Early Design Guidance (**EDG**) and the Architect’s Design Response (**ARCH’S DR**) follow each Guideline.

#### **A-1 Responding to Site Characteristics**

*The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

*SLU supplemental guidelines: Encourage “outlooks and overlooks” for the public to view the lake and cityscapes. New development is encouraged to take advantage of site configuration to accomplish sustainability goals. Denny Park has been identified as a “heart location.” Development at heart locations should enhance their central character through appropriate site planning and architecture. These sites have a high priority for improvements to the public realm. A new building’s primary entry and façade should respond to the heart location. Amenities to consider are: pedestrian lighting, public art, special paving, landscaping, additional public open space provided by curb bulbs and entry plazas.*

**EDG:** The Board members appreciated how the proposed streetscape amenities integrated the project into the site. The Board members expressed support for the commercial nature of the southeast corner entry. While supportive of the placement of the residential entry, some Board members thought that the visibility of the residential entry should be strengthened (see more discussion at A-2 and A-4 below).

The Board was very supportive of the green screen façade and felt the development team deserved much credit for this.

There was some discussion among the Board members regarding the balconies overlooking Denny Park. The discussion centered on the architectural character of the balconies rather than the site characteristics, however (see item C-2 below).

**ARCH'S DR:** The corner of the building with retail entrance is angled to address Denny Park. The connection to the park is emphasized with a change in paving pattern. The landscaped setback along Denny Way enriches the pedestrian street designation. Building lighting at street level is pedestrian oriented, casting light downward on the walking surface rather than outward.

Balconies and a landscaped terrace overlooking Denny Park figure prominently along the east facade. The raised courtyard on the north side of the building is open to the west, providing views of the Space Needle.

A landscaped “green screen” is proposed for the south and west facades, initially conceived as a separation from the automobile traffic but also an opportunity to conceptually extend the green of Denny Park further out into the neighborhood.

#### **A-2 Streetscape Compatibility**

*The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

*SLU supplemental guidelines: The vision for street level uses in South Lake Union is a completed network of sidewalks that successfully accommodate pedestrians. Provide pedestrian-friendly streetscape amenities such as tree grates, benches, and lighting. Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts. Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining 6 feet for pedestrian movement, where the sidewalk is sufficiently wide).*

**EDG:** The Board was very supportive of the streetscape amenities proposed. The retail streetscape proposed will be attractive and inviting. A few Board members expressed the desire that the commercial signage is accommodated in a way that works with the architecture.

**ARCH'S DR:** Street trees and amenities such as benches and pedestrian lighting are proposed. To provide a buffer for pedestrians from the heavy traffic on Denny Way, a continuous 5-foot wide planting strip between the sidewalk and curb is provided. Special paving marks the corner crossing to Denny Park.

The street-level retail is provided with large storefront windows that look onto the setback along the south.

Hardscape and landscape are provided, with areas for tables and chairs for the activity of the retail space to spill out to the sidewalk.

Marquees are provided for weather protection above the hardscape areas of Denny Way and above the sidewalk along Dexter Avenue.

#### **A-4 Human Activity**

*New development should be sited and designed to encourage human activity on the street.*

SLU supplemental guidelines: Create graceful transitions at the streetscape level between the public and private uses. Reinforce pedestrian connections both within the neighborhood and to other adjacent neighborhoods. Transportation infrastructure should be designed with adjacent sidewalks, as development occurs to enhance pedestrian connectivity. Design for a network of safe and well-lit connections to encourage human activity and link existing high activity areas.

**EDG:** See marquee discussion and residential entry discussion in item A-2 above.

For the sake of improved pedestrian continuity, the Board (three of five members) recommended that the 10-foot planting setback along Denny that is currently proposed for the project site also be provided on the neighboring property to the west, to the extent that it does not interfere with the driveway.

**ARCH'S DR:** The commercial entrance is sited at the corner of the building to provide maximum visibility and accessibility. Commercial visibility is also maximized by the use of storefront window systems. Marquees convey a sense of hospitality by providing pedestrian cover.

Enhanced landscaping along Denny Way encourages pedestrian traffic from the west to continue east towards Denny Park and the future Whole Foods development a few blocks to the east.

The residential entrance is located away from the heavy automobile traffic of Denny Way, at the northeast corner of the site. The lobby was enlarged to be more gracious and inviting with expanses of glass facing Denny Park. A vertical blade sign marks the residential lobby.

#### **A-8 Parking and Vehicle Access**

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

**EDG:** Considering that the lot to the west is proposed for off-site parking and a departure sought to allow less than the required on-site percentage of medium stalls, the Board expressed a desire to see additional landscaping screening on this adjacent property to protect the pedestrian environment (see item A-4 above).

**ARCH'S DR:** The vehicle access to the project is from the alley. Several former curb cuts along Denny Way and Dexter Avenue will be closed.

#### **A-10 Corner Lots.**

*Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

The Board indicated the above as high priorities. The Board observed that due to an absence of historic context and the presence of the Pink Elephant Car Wash and proximity of the Space Needle, this site could support a more whimsical and bold design solution (including bold colors)

than what they might typically recommend. The Denny Park Apartments at 8<sup>th</sup> Avenue North and Thomas Street was cited as an example of a playful development in its color selection and roofline.

There was discussion about how the corner should be designed: The current massing scheme presented a corner element that addressed the setback at Denny Way and Dexter Avenue in an awkward manner. Although the Board did not necessarily recommend a corner tower, they did say it was a good site for a corner element; and if there is to be a tower, it should read through to the ground. Given the width of Dexter Avenue, the Board indicated that they would be receptive to Design Departure requests from the setback standard for further articulation of the corner element. The Board also reiterated that there are ways to address the corner other than a tower that the applicant should feel free to explore and develop, such as with materials (the Board cited Marvin Gardens in Belltown as an example).

At the next Design Review meeting, the architect should be prepared to present details on the following:

- the streetscape elements (landscaping, pedestrian lighting, paving)
- make the residential lobby more inviting and engaging

**EDG:** The Board was supportive of the development of the corner “tower” element and the bold colors. There was some discussion how certain architectural elements of the south and east facades could relate to each other more closely (specifically the balconies on the east, the Level 5 setback on the east façade; and the roof overhang trellis). See more discussion at item C-2 below.

**ARCH’S DR:** The building mass occupies the corner, with the commercial entrance located at the corner on the pedestrian level, to reinforce pedestrian circulation patterns and commercial viability.

The project proposes a prominent corner feature, emphasized by a raised roofline, a broad architectural roof overhang, massing which reads down to the street level, and a change in materials.

#### ***B-1 Height, Bulk and Scale Compatibility***

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.*

The Board indicated the above as a high priority. The Board expressed support for the preferred massing scheme that was presented and would like to see more resolution of the corner (see Section A above). The Board also pointed out that the South Lake Union Design Guidelines themselves propose a setback above 55’ feet rather than 45’. The Board was intrigued by the applicant’s “green screen” proposal at the south and west facades but would like to see further resolution and/or examples to be assured of its success.

At the next Design Review meeting, the architect should be prepared to present details on the following:

- the landscaping “green screen”
- the aesthetic composition of the facades, with respect to proportion, scale, and features such as balconies, trellises, and how the “green screen” will relate to the windows

**EDG:** The architect should be prepared to present details on the following:

- Integration of balcony elements. Avoid “tacked on” balconies.
- Prove the gateway concept to the satisfaction of the Board.

**ARCH’S DR:** The Board was pleased with the way the massing was developed and articulated to avoid “boxiness.”

The project sets back from Denny Park, with a terrace softened by landscaping. While taller than current adjacent structures, the project does not take advantage of the full 85-foot zoning height.

To reduce the bulk of the building, the massing of the building is expressed in components: circulation towers, corner element, main body with a clearly distinguished roofline.

#### **C-2 Architectural Concept and Consistency.**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building.*

*In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

*SLU supplemental guidelines: Design the “fifth elevation” – the roofscape – in addition to the streetscape. As this area topographically is a valley, the roofs may be viewed from locations outside the neighborhood such as the freeway and Space Needle. Roof-top elements should be organized to minimize view impacts from the freeway and elevated areas.*

**EDG:** The Board felt that the design presented was a well-proportioned and unified building form. The Board expressed support for the “elegant” composition of the elevations and appreciated the overall “modern” expression. However, the Board thought that the architectural concept and consistency would be strengthened by the following (see also item A-10):

- develop the balconies on the east with a vocabulary more consistent with the green screen module, providing a more visually transparent connection to Denny Park
- study providing planters at the Level 5 setback on the east façade to continue the sense of the green screen
- study how the roof overhang trellis proposed on the south might also appear on the east facade

**ARCH’S DR:** The composition of the elevations was studied to arrive at a consistent and balanced series of facades. The fenestration and balconies are arranged in a whimsically alternating pattern that is also simple. The landscaping “green screen” as a building element was carefully integrated into rhythm of the layout.

The building mass is anchored by circulation tower elements and a corner tower element. These



taller elements provide opportunities to conceal mechanical rooftop equipment so that the “fifth elevation” composition is not cluttered. The roofline is clearly distinguished by raised parapets and broad overhangs.

### ***C-3 Human Scale.***

*The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

**EDG:** The Board was generally supportive of how the design achieves a good human scale. The Board recommended studying the marquee at the residential entry (perhaps lowering it) as discussed under item A-2 above. The Board also supported studying a change to the detailing of the balcony railings (see item C-2 above).

**ARCH’S DR:** The project includes marquees, paving patterns, pedestrian lighting, balconies, and variation of siding materials to achieve a good human scale.

### ***C-4 Exterior Finish Materials.***

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The Board indicated the above as high priorities. The Board pointed out the treatment of the “fifth elevation” (the roofscape) is a priority in the South Lake Union Design Guidelines.

**EDG:** The Board was supportive of the quality of the exterior finish materials proposed. The Board thought that durable metal marquees are a good amenity. See item E-2 below regarding discussion of the green screen.

**ARCH’S DR:** Durable exterior materials such as painted concrete, fiber cement siding, and metal siding is proposed. A landscaping “green screen” will also lend a rich texture and seasonal variety to the facade.

### ***D-1 Pedestrian Open Spaces and Entrances***

*Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

**SLU supplemental guidelines:** *New developments are encouraged to provide features that enhance the public realm, i.e. the transition zone between private property and the public right-of-way. The board is generally willing to consider a departure in open space requirements if the project proponent provides an acceptable plan for features such as:*

- *curb bulbs adjacent to active retail spaces where they are not interfering with primary corridors that are designated for high levels of traffic flow*
- *pedestrian-oriented street lighting*
- *street furniture*

**EDG:** The Board was very pleased with the enhanced level of pedestrian-oriented amenities

proposed. However, the Board felt that the residential lobby could still be strengthened, perhaps by studying the design of a different marquee (see discussion under item A-2 above).

**ARCH'S DR:** Marquees, benches, and enhanced planting are proposed for the sidewalk areas. Lighting is pedestrian-oriented, casting light downward on walking surfaces rather than outward.

The landscaped setback at the pedestrian level is a mixture of hardscape (for tables and chairs) and landscaping.

The residential lobby was increased to create a more attractive entrance. The lobby is designed with large amounts of glass facing Denny Park, incorporating plantings to reinforce the experiential connection to the park.

#### ***D-2 Blank Walls.***

*Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.*

**EDG:** The Board was especially appreciative of the additional green screen proposed at the west façade.

**ARCH'S DR:** Blank walls have been minimized where possible. Where unavoidable, the blank walls have been treated with the landscaping "green screen," which provides depth, texture, greenery, and seasonal variety.

Blank walls at the alley are treated with concrete reveals.

#### ***D-6 Screening of Dumpsters, Utilities and Service Areas.***

*Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.*

**RECOM:** Dumpsters, meters, and other service elements are located within the parking structure

#### ***D-7 Personal Safety and Security.***

*Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

**SLU supplemental guidelines:** Enhance public safety throughout the neighborhood to foster 18-hour public activity. Methods to consider are:

- enhanced pedestrian and street lighting
- well-designed public spaces that are defensively designed with clear sight lines and opportunities for eyes on the street

The Board indicated the above as high priorities. There were differing points of view regarding the residential lobby. One board member thought the residential entrance should be strong and bold; another thought that residential entrances can be successful as intimate spaces, not necessarily bold. In either case, the lobby should be developed to be more inviting and open. The Board felt that the 10' open space easement along Denny Way provided the project with the potential to use landscaping and additional streetscape elements to buffer pedestrians from the traffic along Denny and create a more comfortable pedestrian environment. With new residential developments and the creation of a destination grocery store at 2200 Westlake, an increase in the amount of pedestrian traffic along Denny Way should be anticipated. At the next Design Review meeting, the architect should be prepared to present details on the following:

- pedestrian lighting
- landscaping and streetscape elements in the right-of-way
- landscape and hardscape at the street crossing to enhance the “heart” designation of Denny Park in the South Lake Union Design Guidelines.

**EDG:** At the next Design Review, the architect should be prepared to present details on the following:

- Residential entry court
- Streetscape details

**ARCH'S DR:** The orientation of the commercial storefront provides eyes on the street for the sidewalk and hardscape/landscape setback area.

Entry points to the building are limited in number and clearly visible.

Residential balconies face Denny Park and will increase the safety and security of the park.

#### ***E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.***

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

*SLU supplemental guidelines: Support the creation of a hierarchy of passive and active open space within South Lake Union. Encourage landscaping that meets LEED criteria. Where appropriate, install indigenous trees and plants to improve aesthetics, capture water and create habitat. Reference the City of Seattle Right Tree Book and the City Light Streetscape Light Standards Manual for appropriate landscaping and lighting options for the area.*

**ARCH'S DR:** The Board was pleased with the way the enhanced streetscape landscaping reinforced the pedestrian environment of the area and expressed a hope that this project will set a precedent for the area.

Landscaping proposed is all drought-tolerant. However, with the other considerations of the green screen, it is not possible to meet LEED criteria due to including non-native plantings in the greenscreen. However, careful attention will be paid to avoid invasive species.

An increased amount of landscaping is provided along Denny Way to reinforce design continuity with Denny Park. The same landscape design concept will be proposed for the future development of the adjacent site to the west.

### ***E-2 Landscaping to Enhance the Building and/or Site.***

*Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

*SLU supplemental guidelines Consider integrating artwork into publicly accessible areas of a building and landscape that evokes a sense of place related to the previous uses of the area.*

**ARCH'S DR:** The Board generally viewed the project as an exciting improvement to the current condition, especially as enhanced by the green screen. The Board expressed confidence that the development team will execute the green screen in a manner that will be an attractive and durable feature of the building in the long term. One Board member expressed a desire that the development team work with the DPD regarding the plant selection and particular plant habits relevant to the green screen design.

The landscaping “green walls” serve as a dynamic and visually rich way to screen the residential areas from heavy street traffic. The green walls also have a sculptural effect on the building, provide visual interest from the public side, and enhance its connection to Denny Park.

### ***E-3 Landscape Design to Address Special Site Conditions.***

*The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

*SLU supplemental guidelines Landscaping should be designed to take advantage of views to waterfront and downtown Seattle.*

The Board indicated the above as high priorities. The Board expressed a strong desire to see the enhanced landscaping proposed along Denny Way continued in front of the adjacent property to the west (an existing parking lot), especially if off-site parking is to be accommodated on this lot.

**EDG:** At the next Design Review meeting, the architect should be prepared to present details on the following:

- landscaping “green screen”
- right-of-way plantings

**ARCH'S DR:** The Board is generally supportive of how the landscaping design goes over and above the requirement and hopes that the project will set a precedent for other development in the area. The Board would like the development team to explore placing planters at the Level 5 deck on the east, facing Denny Park, leaving it up to the development team to design the nature of the planters at this location.

The landscape design addresses an overall concern regarding the amount of automobile traffic especially on Denny Way. The continuous planter along the streets will provide much-needed buffer for pedestrians.

DEVELOPMENT STANDARD DEPARTURE Matrix			
DEVELOPMENT STANDARD	REQUEST/ PROPOSAL	JUSTIFICATION	Board's Recommendation
<p><b>SMC 23.48.012</b> Structures above 45' shall provide setback on Class II pedestrian streets .</p>	<p>The applicant is requesting that architectural features such as roof overhangs, cornices, trellises, balconies and railings be allowed to project into setback up to 6 feet typical and 9 feet on the corner "tower" element.</p> <p>Request: That some area of the wall be permitted to project into the setback by 3'-8" at the lowest end of the site, due to the slope of the site.</p> <p>Request: That the "tower" element at the corner project into the setback a maximum of 3'-2" on Denny Way and 6'-0" on Dexter Avenue.</p>	<p>These architectural features would allow a more articulated expression of the roofline and designing the "fifth elevation."</p> <p>The expression of a clear "top" is achieved by establishing a "watermark" or clear datum at the fifth floor level, with a 10 foot setback along the east providing "overlooks" to Denny Park as encouraged in the SLU Design Guidelines item A-1. Flexibility in the railing design (open versus solid) permits the modulation of the façade to read consistently up to this watermark level.</p> <p>Due to the slope of the site, this datum is below the 45' upper level setback requirement along the south façade but is above 45' at the east façade.</p> <p>In response to the Board's recommendation, that the design of the corner be strengthened, a corner element has been developed, that reads through to the street level. In order that the corner element be clearly differentiated from the body of the building, it projects forward from the rest of the building, projecting into the upper level setback by a maximum of 6 feet.</p> <p>Although setback requirements per SMC 23.48.012 state that a setback is required at 45', SLU Design Guidelines recommend the setback begin above 55' rather than 45'. Above 55', no departure request would be needed except for the top 1'-6" of the tower element.</p>	<p>Approval of the design based on <i>Guidelines— A1, A2, A4, A5, A8, A10, B1, C2, C3, D1, D2, D6, D7, E1, E2 and E3.</i></p>
<p><b>SMC 23.48.014.B Minimum Façade Height</b>—On Class II pedestrian streets, all facades shall have a minimum height of 25 feet.</p>	<p>Request: That a minimum height of 24 feet be permitted at the residential lobby (a maximum width of 12 feet).</p>	<p>Above the residential lobby, a common deck provides an overlook to Denny Park, as encouraged in the SLU Design Guidelines. This railing is kept at the minimum code requirement to maximize the visual connection to Denny Park. The elevation of the deck floor level is a compromise between maximizing</p>	<p>Approval of the design based on <i>Guidelines— A1, A2, A4, A5, A8, A10, B1, C2, C3, D1, D2, D6, D7, E1, E2 and E3.</i></p>

		height for the commercial space below while maintaining a connection to the street life and keeping the bulk of the building below the 45' upper level setback.	
<b>SMC 23.48.020.A Residential Amenity Area</b> —... minimum dimension shall be 15 feet, with no area less than 225 feet	The applicant is requesting that a 10 feet minimum dimension be accepted (with no area less than 225 feet). This is requested for approximately 700 sf of the 2540 sf of open space provided.	The 10 foot landscaped area at the south at street level will greatly enhance the pedestrian environment.  The total quantity of open space provided is greater than the requirement (2540 provided, 2039 sf required).	Approval of the design based on <i>Guidelines— A1, A2, A4, A5, A8, A10, B1, C2, C3, D1, D2, D6, D7, E1, E2 and E3.</i>
<b>SMC 23.48.024.A.2 Landscape Req. for Setbacks &amp; Berms.</b> Landscaping for Setback Areas and Berms. Each setback area shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access, decorative pavers, etc. may cover a maximum of 30% of each required landscaped area.	Request: That hardscape of decorative concrete walks of 61% of the setback area be allowed.	The SLU Design Guidelines encourage commercial activity to spill out to the street. The additional hardscape area both provides important ADA-accessible pedestrian access to the retail but also provides the opportunity for street furniture such as benches, tables, and chairs.	Approval of the design based on <i>Guidelines— A1, A2, A4, A5, A8, A10, B1, C2, C3, D1, D2, D6, D7, E1, E2 and E3.</i>
<b>SMC 23.54.030B1b Parking stall standards.</b> 60% of the parking spaces provided on the site must be striped for medium spaces.	Request: That 26% of the parking spaces on the site be striped for medium spaces.	The request will be offset by providing medium and large stalls off-site.	Approval of the design based on <i>Guidelines— A1, A2, A4, A5, A8, A10, B1, C2, C3, D1, D2, D6, D7, E1, E2 and E3.</i>
<b>SMC 23.48.020.B.5 Residential amenity area.</b> Exterior amenity area should be landscaped and shall provide solar access and seating.	Request: That the location of the courtyard on the north side of the building be allowed.	Some of the residential amenity area is provided at the south side of the project (Denny Way). The project seeks to avoid locating all the amenity area on Denny Way due to the amount of automobile traffic here (dirt, noise, dust, etc.). The design also acknowledges a more urban response by keeping the mass of the building to the street sides (this is reinforced by the Minimum Façade Requirements along these two streets).	Approval of the design based on <i>Guidelines— A1, A2, A4, A5, A8, A10, B1, C2, C3, D1, D2, D6, D7, E1, E2 and E3.</i>

## **BOARD RECOMMENDATION**<sup>1</sup>

All five Board members supported granting the above departures considering the following:

1. The design proposes improved and enhanced streetscape landscaping.
2. The green screen represents additional landscaping that is not accounted for in normal landscaping calculations.
3. The design responds positively to the Design Review Guidelines prioritized by the Board at EDG, will significantly enhance the site, and will set a precedent for development in the neighborhood.
4. The applicant shall revise the architectural expression of the balconies to relate to the green screen armature (metal mesh fabrication). Three of five Board members support this recommendation.
5. The applicant shall make provisions for a planting buffer along the south 10 feet of the adjacent private property to the west where the off-site parking is proposed. Three of five Board members support this recommendation.

After considering the proposed design and the projects context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members agreed that the design has successfully addressed the design guidance provided in their previous meeting. The Design Review Board **recommends approval** of the design as shown in the updated Master Use Permit Plans. (*Based on Guidelines — A1, A2, A4, A5, A8, A10, B1, C2, C3, D1, D2, D6, D7, E1, E2 and E3.*) The identification of these particular guidelines does not imply that other, nonprioritized guidelines may not be called upon in the ultimate decision-making regarding this proposal.

## **DECISION – DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the four Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multifamily & Commercial Buildings* (November 1998) and the *South Lake Union Design Guidelines* (May 26, 2005).

Therefore, the proposed design and departures are **APPROVED** as presented at the May 3, 2006 Design Review Board meeting.

**CONDITIONS – DESIGN REVIEW** are noted at the end of this decision.

## **ANALYSIS – SEPA**

This analysis relies on the *Environmental Checklist for Block 63 Workforce Housing* submitted by the applicant on March 17, 2006, which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

---

<sup>1</sup> Attending Board members—Maria Barrientos, Patrick Doherty, Chris Kirk, Matt Roewe, and Bill Vanderventer.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *“where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

#### Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.



### Air Quality

A Phase II Environmental Site Assessment was conducted and neither lead paint nor asbestos was identified as a recognized environmental condition at the project site. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition, if any are found. Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is found on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust; and truck loads and routes will be monitored to minimize dust-related impacts.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

### Noise

The project is expected to generate loud noise during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts.

### Traffic and Circulation

Site preparation would involve removal of the existing asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Approximately 19,000 cubic yards of material would be excavated and removed from the site. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has fairly direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

### Long-Term Impacts – Use-Related Impacts

#### Historic

There are no known or listed historical resources or any officially-designated historical resources on the project site. Three historic landmarks are within five blocks of the project site: the Chief Seattle statue (three blocks east of the project), the West Earth Co. Street Clock (three blocks north), and the Seattle Monorail (three to five blocks southwest to northwest). The project is not expected to have any impact on any of these designated historic landmarks.

#### Land Use

The proposed project is consistent with the *City of Seattle Comprehensive Plan*, the *South Lake Union Neighborhood Plan*, and the Seattle Land Use Code.

#### Housing

The proposed project creates new and much-needed affordable housing. The project is in accordance with the housing goals of the *Comprehensive Plan* for the area. Therefore, there is no adverse impact to housing.

#### Archaeological

There is no surficial evidence to indicate that any archaeologically significant resources exist on-site and would be disturbed by the project. However, the Seattle Commons EIS stated that archaeological "resources would likely be located in a historical fill zone ranging from approximately one to four blocks wide along the alignment of Westlake Avenue; a wider fill zone is near the lakeshore of Lake Union." The project site is located to the west of and on the outer edge of the Westlake Avenue fill zones. The document listed the following as potential resources located in this area:

- a possible Duwamish village site or seasonal camp at the south end of the lake;
- remains of the 1860s-1870s historic coal portage railroad;
- buried wharf and artifacts associated with lumber mill operations, particularly David Denny's Western Lumber Mill;
- remnants of the early transportation or utility systems (e.g., streetcar lines); and
- cultural remains (e.g., privies and domestic scatters) occurring near existing late 1800s and early 1900s residential units or within former residential areas now protected by fill materials.

If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures would apply:

- work that is occurring in the portion of the site where potential archaeological resources are found would be stopped immediately;
- the City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP) would immediately be contacted; and
- regulations would be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 29.01 and 29.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

Otherwise, the project will not have any significant adverse impacts on archaeological resources.

#### Traffic and Transportation/Transportation Concurrency

The Environmental Checklist includes a Traffic Analysis Memorandum prepared by William Popp Associates. This report estimates the net increase in traffic that will be generated by the project and its anticipated distribution to the adjacent roadway network.

Based on the City's methods for estimating trip distribution percentages identified in Director's Rule 4-99, the project will generate approximately 400 daily vehicle trips to the surrounding street system, including 21 during the AM peak hour and 32 during the PM peak hour. Although these represent an increase over the site's existing use, based on DPD's experience and expertise, the additional traffic volume is not a significant addition to the South Lake Union and Denny Triangle neighborhoods or the larger Seattle transportation network. In addition, the project site is well served by several Metro Transit bus routes by stops within 600 feet. Therefore, the project's traffic impacts will be small enough that they are not a significant impact and no mitigation is required.

#### Parking

The proposed development will provide approximately 53 parking spaces, including 38 below-ground and at-grade (in-building) stalls and 15 surface parking spaces. The project will eliminate approximately 22 surface spaces, resulting in a net on-site parking increase of 16 spaces. Based on the Seattle Parking Code and Land Use Code, the proposed development is required to provide one parking space for each dwelling unit for the development; street level retail or restaurant uses under 7,500 sq. ft. on Class 2 pedestrian streets are not required to provide parking. SMC 23.48.032.D.

According to the March 2006 Popp Associates Analysis, peak parking demand for this project will be 57 spaces. In addition to the project's 53 spaces available to meet this demand (38 on-site and 15 on an adjacent site), there is sufficient parking available in nearby commercial lots and on Dexter Avenue N and John Street to meet the minimal parking demand beyond the project's capacity. Thus, there is sufficient on and off-site parking supply to meet parking demand.

## **DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

The proposed action is **APPROVED WITH CONDITIONS** as noted below.

## **CONDITIONS – SEPA**

### **Prior to Building Permit Issuance**

1. The applicant shall submit for review and approval a Construction Impact Management Plan to the Department of Planning and Development for concurrent review and approval with Seattle Department of Transportation. The plan shall identify management of construction activities including construction hours, parking, traffic and issues concerning street and sidewalk closures.

### **During Construction (including Demolition and Excavation)**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. The Director may consider approving construction activity outside these time restrictions so long as the activity complies with the City's noise ordinance. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day.)
3. Comply with the limitations contained in the approved construction-phase transportation plan.
4. Debris and exposed areas shall be sprinkled as necessary to control dust; and truck loads and routes shall be monitored to minimize dust-related impacts.
5. Use well-maintained equipment to reduce emissions from construction equipment and construction-related trucks and avoid prolonged periods of vehicle idling.
6. Use electrically operated small tools in place of gas powered small tools wherever feasible.

7. Trucking building materials to and from the project site shall be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.
8. If resources of potential archaeological significance are encountered during excavation or construction associated with the Proposed Action, the following measures will apply:
  - work that is occurring in the portion of the site where potential archaeological resources are found must be stopped immediately;
  - the City of Seattle land use planner that is assigned to the project and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAH) must immediately be contacted; and regulations must be adhered to pertaining to discovery and excavation of archaeological resources, including but not limited to, Chapters 27.34, 27.53, 27.44, 29.01 and 29.90 RCW and Chapter 25-48 WAC, as applicable or as revised.

Prior to Building Permit Final

9. Dependent on SDOT'S future Review: install an SDOT-approved C-curb on Dexter Avenue adjacent to the project site to prevent left turn ingress/egress to and from the alley.

**NON-APPEALABLE CONDITIONS – DESIGN REVIEW**

10. The proponent must retain the landscaping, fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on May 3, 2006. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping) shall be verified by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823 at a Pre-construction meeting.
11. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
12. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of the meeting. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved. Embed updated colored elevation drawing in MUP plans and all subsequent Building Permit Plans.
13. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings. Call out on the appropriate plan sheets where and what departures have been granted.
14. Construct buildings with siting, materials, and architectural details substantially the same as those presented at the May 3, 2006 Design Review Board meeting.

Signature: \_\_\_\_\_ (signature on file) Date: August 31, 2006  
Colin R. Vasquez, Senior Land Use Planner